



# **NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION**

Together We Make The Difference

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**Testimony of  
John Swanson, Executive Director  
Northwestern Indiana Regional Planning Commission**

**Before the  
U.S. House of Representatives Congressional Hearing**

**Regarding  
Canadian National Railroad's Proposed Purchase of the Elgin Joliet and  
Eastern Rail Line – Planning Document**

**Chicago, Illinois  
August 5, 2008**

Thank you, Congresswoman Bean, Members of the Illinois Delegation, and the staff of Congressmen Visclosky's and Roskam's Offices. My name is John Swanson. I am the Executive Director of the Northwestern Indiana Regional Planning Commission, also known as NIRPC. I thank you and our Indiana Representative, Congressman Peter J. Visclosky, for taking the time to hold this important hearing and for the opportunity to testify. I especially thank Congressman Visclosky for his leadership on transportation issues and for his support of transportation and other infrastructure projects throughout our region.

NIRPC is a Council of Governments representing 52 elected local government officials plus one State legislator appointed by the Governor of Indiana. It is also the designated Metropolitan Planning Organization for Lake, Porter and LaPorte Counties in northwest Indiana and we are the agency that must ensure that our transportation plans, programs and projects comply with all federal regulations.

NIRPC believes that this proposed CN acquisition of the EJ&E would have a negative impact on four major issues in our region: 1) our region's air quality; 2) the efforts to expand our regional commuter rail; 3) the efforts to expand our airport services; and 4) the quality of life in our affected communities.

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The first major issue of concern in northwest Indiana is improving our air quality, which has been a long-standing goal of the Federal Government, the State of Indiana, NIRPC and local governments and other organizations for over 30 years. While we have made great strides towards meeting federal clean air standards, we have not yet reached attainment for ozone and particulate matter. The Proposed Action would significantly increase train traffic and emissions from idling cars waiting at grade-crossings which would make it more difficult to meet the federal clean air standards in northwest Indiana. The Draft Environmental Impact Statement (EIS) makes the assessment that overall air quality will not be negatively impacted within the bi-state region; however, it does not make it clear that northwest Indiana region must, by Federal and State mandates, conform to a separate compliance plan. It is our overall assessment that the Proposed Action would undermine our efforts to meet federal clean air standards.

We request that the comment period be extended so that the Environmental Protection Agency (EPA) and the Federal Highway Administration (FHWA) can adequately confirm the method and factors used in the Draft EIS air quality analysis, and so that NIRPC, the EPA and FHWA can adequately review its actual data and calculations at our rail crossings in Lake County, Indiana.

Specifically, we would ask that the following air quality issues be recognized and addressed:

- We question the **method** for determining emissions factors for idling vehicles. On page 4.9 – 5, Section 4.9.1.1, the Draft EIS uses an emission **factor of 2.5 miles per hour** to represent idling vehicles. We request that the EPA and FHWA confirm the validity of this method and this emission factor.
- We request time to review the **actual data and calculations** the EIS produced for idling vehicle emissions at each impacted grade-crossing in Lake County Indiana.

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- We also request that the EIS recognize and address the fact that **our emissions budgets are likely to be significantly tightened** when the Indiana Department of Environmental Management (IDEM) prepares and adopts the required State Implementation Plans (SIPs) for the eight-hour ozone and PM 2.5.

The second major issue of concern in northwest Indiana is the expansion of commuter rail passenger service. The Draft EIS stated on page ES-12 that “expanded NICTD service was not reasonably foreseeable.” NIRPC strongly objects to this assessment. State legislation to help finance the expanded rail

service passed one House of the Indiana Legislature this past spring, and a bill to secure a financing mechanism is expected to be reintroduced during the next session. The expanded commuter rail service is also supported by a series of NIRPC studies and the NIRPC Board has taken a policy position to support it. It has strong support at the federal, state and local levels and the Phase I Alternatives Analysis is underway and the results should become available shortly. It is wrong and unreasonable to dismiss and undercut the ongoing federally-funded feasibility study before it is completed.

The third major regional issue is the expansion of the Gary-Chicago Regional Airport. A Preliminary Memorandum of Understanding was recently signed by the Gary-Chicago Regional Airport and the EJ&E, CSX, Norfolk-Southern railroads that must adjust the location of their tracks or their operations to make the airport expansion a reality. However, a final Memorandum has yet to be signed. It is too early to conclude that the airport expansion issue is resolved to the satisfaction of all parties.

The final major issue that would be impacted by the Proposed Action is the quality of life in the northwest Indiana communities that are located along the current EJ&E tracks. These communities will experience three to four times the

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amount of train traffic in the next few years. We foresee that the long-term train traffic through our communities will increase even more after the CN completes the construction necessary to improve its connections and operations. We assume that there would also be a significant increase in freight traffic due to the estimated increase in intercontinental container traffic between the Ports of Halifax and Prince Rupert in Canada, as well as from the tar sands in Canada to the expanded BP refinery in Whiting, Indiana.

The Towns of Dyer, Schererville, Griffith and the Cities of Gary, Hammond, East Chicago and Whiting will experience significantly more train traffic in the long-term which will cause increased congestion and energy consumption from cars waiting at grade crossings, an increase in the risks of vehicle-train collisions, a decrease in emergency vehicle access across tracks, increased noise and vibrations as the trains pass through residential neighborhoods and business districts, and a change in travel patterns throughout the region.

A brief look at the map of the CN and EJ&E tracks shows that the Town of Griffith is the only community in either Indiana or Illinois that will experience more train traffic on both the east-west directions and the north-south directions, effectively splitting the Town. The EIS fails to note the excessive burden the Proposed Action would have on the Town of Griffith; it recommends mitigation measures for the Miller Street and Lake Street crossings, but it ignores needed mitigation measures at the 45<sup>th</sup> Street, Main Street and Broad Street crossings. The Draft EIS also does not adequately address the negative impacts on grade crossings in either the Towns of Dyer or Schererville or the City of Gary.

The Draft EIS repeatedly states that mitigation measures must be addressed solely through agreements between the CN and local communities. NIRPC has four decades of experience with the federally mandated processes necessary to identify and implement transportation projects. By federal mandates, NIRPC must gather all relevant transportation, environmental and economic development data; use sophisticated computer modeling techniques to forecast the future conditions such as travel patterns and traffic volumes, air quality, and the environmental and economic development impacts on the entire

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transportation system. The Proposed Action will force NIRPC to compensate for the adverse impacts that would be caused by this pending Acquisition.

It is unreasonable to over-simplify the task of identifying mitigating projects in each of our communities without considering the effects on the entire region and without input from all residents and businesses likely to be affected by changes in the travel patterns that this Proposed Action would impose. The Draft EIS recommendation for CN and individual communities to reach agreements within a short time frame is not a reasonable solution to the problems facing the affected towns and cities.

On behalf of the member local governments of northwest Indiana, I request that the Surface Transportation Board hold at least one additional hearing in northwest Indiana, preferably in or near the Towns of Griffith, Dyer or Schererville. Additionally, I request that the time period for commenting on the study be extended to 180 days.

I appreciate this opportunity to discuss the impact of the pending Acquisition on northwest Indiana. I would be pleased to respond to any questions.